Title: Review of the Classes and Thresholds in the Schedule to the Planning (Development Management) Regulations (Northern Ireland) 2015	**Regulatory Impact Assessment (RIA)**
	Date: 12 August 2026
	Type of measure: Subordinate Legislation
Lead department or agency: Department for Infrastructure	**Stage:** Initial Development
	Source of intervention: Domestic NI
Other departments or agencies: N/A	**Contact details:** R McCrory
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Summary Intervention and Options

What is the problem under consideration? Why is government intervention necessary?
The 2022 Review Report on the implementation of the Planning Act (NI) 2011 included several actions in relation to the above Regulations, namely a review of categories and thresholds for development; These actions are being taken forward as part of the Planning Improvement Programme (PIP). A public consultation is being undertaken to seek the views of interested parties and inform the nature and extent of legislative change required.
The review has identified a need to update a number of development classifications and thresholds to better accommodate emerging forms of development, particularly within the energy sector, improve clarity and consistency in the hierarchy of development and ensure the Regulations remain fit for purpose.

What are the policy objectives and the intended effects?
The aim of this policy revision is to review and amend, if appropriate, the Classes and Thresholds in the Schedule to the Planning (Development Management) Regulations (Northern Ireland) 2015 in respect of: Hierarchy for Development – classes & thresholds - The aim is to ensure that the classes of development and associated thresholds remain relevant, proportionate and capable of accommodating existing and emerging forms of development. This includes proposed revisions to Energy Infrastructure classifications, revised thresholds for certain forms of development, the introduction of new categories relating to geothermal energy and carbon capture infrastructure, and other changes intended to improve clarity, consistency and future resilience of the development hierarchy.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1. Do nothing and leave The Planning (Development Management) Regulations (NI) 2015 unchanged. With this option, the Department would not deliver on the commitments it outlined in the 2022 Review Report and the Planning Improvement Programme, which address the concerns and issues highlighted through the Review of the Implementation of the Planning Act (NI) 2011. These commitments aim to improve the effectiveness and efficiency of the planning system in Northern Ireland.

Option 2. Amend the Classes and Thresholds Schedule in accordance with the proposals set out in the consultation document.
This is the preferred option and will ensure the Development Management Regulations remain fit for purpose, relevant and consider current and emerging development trends.

Will the policy be reviewed? Yes	**If applicable, set review date:** reviewed as part of the next statutory review of the implementation of the Planning Act 2011, next review set for 2030.

Cost of Preferred (or more likely) Option		
Total outlay cost for business £m	**Total net cost to business per year** £m	**Annual cost for implementation by Regulator** £m

Does Implementation go beyond minimum EU requirements?			**YES** ☐	**NO** ☒
Is this measure likely to impact on trade and investment?			**YES** ☐	**NO** ☒
Are any of these organisations	**Micro**	**Small**	**Medium**	**Large**

in scope?	Yes ☒ No ☐	Yes ☒ No ☐	Yes ☒ No ☐	Yes ☒ No ☐

The final RIA supporting legislation must be attached to the Explanatory Memorandum and published with it.

Approved by: Date: XX [To be approved at final stage]

Summary: Analysis and Evidence — Policy Option 1

Description: Do nothing and leave the Classes and Thresholds of the Schedule to the Planning (Development Management) Regulations (NI) 2015 unchanged.

ECONOMIC ASSESSMENT (Option 1)

Costs (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				

Description and scale of key monetised costs by 'main affected groups' Maximum 5 lines
There are no new monetised costs with this option as the status quo would remain.

Other key non-monetised costs by 'main affected groups' Maximum 5 lines
To maintain the current position would not advance a recommendation in the 2022 Review Report and likely draw criticism from many stakeholders in the planning system, including local councils, developers and the wider public.

Benefits (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				

Description and scale of key monetised benefits by 'main affected groups'
It is difficult to measure / quantify any monetary benefits or effects of maintaining the current provision under the Regulations. Under this option, the existing regime will continue but without the benefit of potential amendments which otherwise may have been introduced.

Other key non-monetised benefits by 'main affected groups'
Maintaining the existing requirements will, overall, be disadvantageous to the planning system as a whole. The 2022 Review Report recognised that a review of the Regulations was required. The review now forms parts of PIP which aims to improve the effectiveness and efficiency of the planning system in Northern Ireland.

Key Assumptions, Sensitivities, Risks
It is not unreasonable to assume that updating relevant legislative provisions in the Regulations would be positive overall. The Regulations have been in operation since 2015 and with the transfer of powers to Councils (2 tier planning system), stakeholder feedback received through the Review of the Implementation of The Planning Act (NI) 2011, and advances in technology it is assumed that now is an appropriate time to update the Regulations.

BUSINESS ASSESSMENT (Option 1)

Direct Impact on business (Equivalent Annual) £m				
Costs:	Benefits:	Net:		At this stage, there are unlikely to be monetary impacts (direct or indirect) in maintaining the status quo. The public consultation may yield some detail on potential monetary and non-monetary impacts from the review and potential changes proposed.

Cross Border Issues (Option 1)

How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland)
This option means that the current legislative requirements in Northern Ireland will not keep pace with nor take account of changes / approaches in other UK jurisdictions aimed at accommodating new development trends and technologies, improving consultation methods, and streamlining consenting procedures.

Summary: Analysis and Evidence — Policy Option 2

Description: Review specified elements of the Classes and Thresholds to the Schedule of the Planning (Development Management) Regulations (NI) 2015 to ensure they remain fit for purpose, relevant and consider current and emerging development trends.

ECONOMIC ASSESSMENT (Option 2)

Costs (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				

Description and scale of key monetised costs by 'main affected groups' Maximum 5 lines

Option 2 commits to reviewing the current legislative provisions to ensure that the Development Management Regulations are relevant and fit for purpose.

- This includes a review of classes/thresholds - any potential changes could have possible costs and/or savings – these are unknown as yet. It could mean more planning applications, submitted by the business & industrial community, are subject to PACC (if the thresholds change), which would incur additional monetary costs during the pre-planning phase.
- The proposed amendments may also require applicants, councils and consultees to familiarise themselves with revised development classes and threshold criteria. This may result in short-term administrative and training costs during implementation, although these costs are expected to be modest and non-recurring.

Other key non-monetised costs by 'main affected groups'

Option 2 commits to reviewing the current legislative provisions, with a view to improving procedures and processes in the planning system as a whole.

- The review of the classes/thresholds could mean more planning applications by the business & industrial community are subject to PACC (if the thresholds change) during the pre-planning phase. This would increase the time required to prepare planning applications for submission, taking into account a 12-week community consultation period, during the pre-planning phase.
- There may also be transitional impacts associated with applying new classifications and thresholds, particularly where developments involve emerging technologies or where applicants are accustomed to the existing categorisation framework. During implementation there may be a short period of adaptation for planning authorities, developers and professional advisers.

Benefits (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				

Description and scale of key monetised benefits by 'main affected groups'

It is difficult to measure/quantify the monetary benefits by 'main affected groups'. Option 2 commits to reviewing the current legislative provisions to ensure that Northern Ireland planning system is relevant and fit for purpose. This includes a review of classes/thresholds and any potential changes could have possible costs and/or savings – these are unknown as yet. While some potential changes could result in certain types of planning applications being subject to PACC, other potential changes could mean less planning applications submitted by developers are subject to PACC, and therefore there are monetary savings during the pre-planning phase.

The proposals may also reduce uncertainty for applicants and decision-makers by providing clearer categorisation of development types and improved coverage of emerging infrastructure sectors. This may reduce the likelihood of disputes regarding classification and help streamline the initial stages of the planning process.

Other key non-monetised benefits by 'main affected groups' Option 2 commits to reviewing the current legislative provisions, with a view to improving procedures and processes in the planning system as a whole. • The review of the classes/thresholds could mean less planning applications by the business & industrial community are subject to PACC (if the thresholds change) during the pre-planning phase, which may reduce the preparation time for preparing planning applications. • The review ensures that the Regulations are up to date, relevant and fit for purpose to accommodate changes in development trends and new technologies. • improved transparency and consistency in the classification of development proposals; • better alignment between development types and corresponding thresholds; • greater certainty for developers, investors, councils and communities; • improved ability of the Regulations to accommodate future technologies without frequent legislative amendment; • improved public understanding of the hierarchy of development.
Key Assumptions, Sensitivities, Risks It is a reasonable assumption that updating relevant legislative provisions in the Regulations will result in overall improvements to procedures and processes within the planning system. There is also a risk that some proposed thresholds may not operate as intended in practice or may produce unintended consequences for particular sectors. Public consultation is therefore being undertaken to test the appropriateness of the proposed classifications and thresholds and to identify any unintended effects. The Regulations have been in operation since 2015 and with the transfer of powers to Councils (2 tier planning system), stakeholder feedback received through the Review of the Implementation of The Planning Act (NI) 2011, and advances in technology it is considered that now is an appropriate time to update the Regulations.

BUSINESS ASSESSMENT (Option 2)

Direct Impact on business (Equivalent Annual) £m				
Costs:	**Benefits:**	**Net:**		At this stage, it is difficult to quantify the direct and indirect monetary impacts. The public consultation may yield some detail on the monetary and non-monetary impacts of these potential changes.

Cross Border Issues (Option 2)

How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland) The option commits to reviewing the current legislative provisions to ensure that Northern Ireland planning system considers and addresses new/improved consultation methods and ensuring that new development trends/technologies are captured similar to other UK jurisdictions.

Evidence Base

1.0 Background

In 2021, the Department for Infrastructure (DfI) commenced a review of the implementation of the Planning Act (NI) 2011 Act as required under section 228 of the Act. Following a Call for Evidence in February 2021 to gather information and evidence on the outworking of the Act and subordinate legislation, DfI published a Review Report of its findings, in January 2022.

The Review Report included several recommendations and actions in relation to The Planning (Development Management) Regulations (NI) 2015 (the Development Management Regulations), namely the review and/or amendment the classes and threshold categories for development. These actions are being progressed as part of the Planning Improvement Programme (PIP) which aims to improve the effectiveness and efficiency of the planning system in Northern Ireland.

2.0 Concerns raised & rationale for intervention

Through the Call for Evidence process, various issues and concerns were raised about the three aspects of the Development Management Regulations noted above. A high-level summary for each is noted below:

2.1 Review of the classes and thresholds in the Schedule (Major Development Thresholds)

The Development Management Regulations have been in operation since 2015, and issues raised include:

- It is considered timely to evaluate whether the current classes and thresholds are reasonable and proportionate to enable local communities to engage on complex development proposals which may impact them, whilst ensuring there is a balanced approach to timely decision-making.
- The current hierarchy of development should be reviewed.
- The nine classes of development and the corresponding thresholds / criterion for major and regionally significant development should be reviewed to ensure they take account of current and future development trends.
- New technologies and developments have been emerging which do not fall clearly into the current classes of development
- The review should also consider a third category, sub-dividing the 'local' category.
- Recent legal proceedings have highlighted operational discrepancies which need to be addressed, to ensure that local communities are given an opportunity to engage in the pre-application planning process

2.2 Emerging development trends

Since the Regulations came into operation in 2015, significant changes have occurred in areas such as renewable energy generation, energy storage technologies, carbon capture infrastructure and other forms of low-carbon development. Some existing development classifications no longer align readily with emerging technologies, creating potential uncertainty in the application of the hierarchy of development. The review seeks to address these issues through revised classifications and thresholds.

3.0 Policy Aims

Hierarchy for Development – classes & thresholds

- The aim is to ensure that the current classes and thresholds remain relevant, fit for purpose and take account of future development requirements.

4.0 Options – Including Advantages/Disadvantages/Risks

A '**Do Nothing'** option is considered for classes and threshold aspect of the Development Management Regulations under review.

With this option, the Department would not deliver on the commitments it outlined in the 2022 Review Report and the Planning Improvement Programme, which address the concerns and issues highlighted through the Review of the Implementation of the Planning Act (NI) 2011. These commitments aim to create an efficient, effective and equitable planning system, trusted to deliver high quality, sustainable inclusive and healthy places.

Maintaining the existing requirements means that opportunities to create efficiencies and streamline procedures may be lost, public and stakeholders trust and confidence in the system may be undermined, and the lack of change is likely to be disadvantageous to the planning system as a whole.

4.1 Review of the classes and thresholds in the Schedule (Major Development Thresholds)

The public consultation seeks views on a series of proposed amendments to the Classes and Thresholds Schedule. These include revised classifications for Energy Infrastructure, updated threshold levels for certain categories of development, new categories for geothermal energy and carbon capture infrastructure, and other amendments intended to improve clarity and future-proof the Regulations. It focuses on gathering key issues and concerns in the operation of the hierarchy, to garner views, feedback and user experiences from the public to identify and inform any potential changes that may be required.

The review of the classes/thresholds could mean more or less planning applications by the business & industrial community are subject to PACC (if the thresholds change) during the pre-planning phase. This could impact on the both the monetary costs of and timelines for preparing planning applications and securing planning consent.

Any potential options for change emerging from the public consultation will be considered within this Regulatory Impact Assessment (RIA), to inform policy development and the decision-making process.

5.0 Costs and Benefits

At this stage, it is difficult to quantify the direct and indirect monetary and non-monetary impacts.

While many impacts are expected to be procedural and administrative rather than financial, the proposed amendments may influence the classification of certain development proposals and therefore the planning processes, information requirements and consultation obligations that apply. The consultation exercise is intended to assist the Department in identifying any significant economic impacts or unintended consequences arising from these proposed changes.

Potential changes to the classes & threshold may result in certain types of planning applications now being subject to PACC. Businesses submitting these planning applications are likely to incur additional costs should the proposed changes to PACC be brought forward. On the contrary, other potential changes could mean less planning applications submitted by certain business' are subject to PACC, and therefore there are monetary savings during the pre-planning phase.

The public consultation may yield some detail on the monetary and non-monetary impacts of these potential changes, and, in that event, the RIA will be updated as required.